

REMARKS

In response to the Restriction Requirement mailed April 20, 2004, Applicant elects Group II, claims 5-14, 39, and 42, drawn to an isolated nucleic acid molecule comprising an nucleic acid sequence encoding a polypeptide comprising an amino acid sequence, variants, fragments and complements thereof; vectors; cells; a pharmaceutical composition; a kit comprising the pharmaceutical composition; classified in class 435, subclass 69.1, 320.1, 252.3, class 536, subclass 23.5. Further, Applicant elects the nucleic acid sequence, SEQ ID NO: 13, encoding the polypeptide of SEQ ID NO: 14, with traverse.

Applicant traverses the restriction requirement. The claims of Group II are drawn to nucleic acids. The claims of Group V are drawn to a method for detecting the presence of the nucleic acid molecule of the elected claim 5 of Group II. These two groups of claims are not distinct because by detecting (claims of Group V) the nucleic acid (claims of Group II), Group V becomes part of Group II. In addition, Applicant believes that a search of SEQ ID NO: 13, which encodes the polypeptide of SEQ ID NO: 14, would encompass any references to use thereof, rejoinder of group II and V would not present a serious burden for the Examiner. Therefore applicants believe that this restriction is not necessary.

Upon entry of this amendment, claims 5, 9-10, 12-14, 39, 42, and 50-59 will be pending. Claims 1-4, 15-38, 40-41, 43-49 have been canceled without prejudice or disclaimer as drawn to non elected subject matter. Applicant reserves the right to pursue these claims in a later application. Elected claims 6-8, and 11 have been canceled. Claims 5, 9-10, 39, and 42 have been amended. Claims 50-59 have been added. Support for the amended and newly added claims can be found throughout the specification and claims as originally filed. More specifically, support for claims 51-53 and 57-59 can be found in Table 14 page 294; support for claim 5(e) amendment can be found on page 67. No new matter has been added.

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Applicant will submit a Supplemental Information Disclosure Statement under 37 CFR 1.56 and 1.97 under separate cover.

CORRECTION OF INVENTORSHIP UNDER 37 C.F.R. § 1.48(b).

Applicant concurrently herewith files a Petition and Amendment to Correct Inventorship Under 37 C.F.R. §1.48(b), copy attached hereto, and the processing fee set forth in 37 C.F.R. 1.17(h). The Petition and Amendment requests the deletion of the following persons who are not inventors of the claimed invention: Anderson, David W.; Boldog, Ferenc L.; Burgess, Catherine E.; Casman, Stacie J.; Ji, Weizhen; Kekuda, Ramesh; Li, Li; Liu, Xiaohong; MacDougall, John R.; Malyankar, Uriel M.; Patturajan, Meera; Shimkets, Richard A.; Smithson, Glennda; Spytek, Kimberly A.; Stone, David J.; Vernet, Corine A.M.; and Zerhusen, Bryan D.

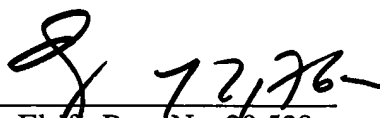
Upon entry of this amendment, Esha Gangolli is named as the sole inventor of the claimed invention. Claims to the inventions of the removed inventors have been canceled.

CONCLUSION

Applicant respectfully requests that the amendments and remarks made herein be entered and made of record in the file history of the present application. Applicant respectfully submits that this paper is fully responsive and that the pending claims are in condition for allowance. Such action is respectfully requested. If there are any questions regarding these amendments and remarks, the Examiner is encouraged to contact the undersigned at the telephone number provided below.

Respectfully submitted,

Dated: May 20, 2004


Ivor R. Elron, Reg. No. 39,529
Attorney for Applicants
MINTZ, LEVIN, COHN, FERRIS,
GLOVSKY and POPEO, P.C.
Tel: (617) 542-6000
Fax: (617) 542-2241
Customer No. 30623